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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,936	12/22/2000	Gopal Parupudi		2341

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EXAMINER	
MANIWANG, JOSEPH R	
ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,936	PARUPUDI ET AL.	
	Examiner	Art Unit	
	Joseph R Maniwang	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-97* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-97* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *see Office Action*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 03/08/04, 01/12/04, 01/02/04, 11/14/03, 09/02/03, 07/25/03, 06/26/03, 03/10/03, and 06/15/01 were in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements were considered by the examiner.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-97 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-103 of copending Application No. 09/746,923 (Parupudi et al., U.S. Pat. App. Pub. 2002/0120370). Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claims are directed to a method and system for receiving context information of a device and processing the information to determine various policies to control an application, while the claims of the copending application are directed to a method and system for receiving context information of a vehicle for controlling the behavior of an application resident on a computer in the vehicle (compare present claim 1 and copending claim 1). In both cases, different types of context information could come from different sources (compare present claim 2 and copending claims 2-4). Context was processed using traversal of multiple hierarchical trees linked by at least one node (compare present claims 3-6 to copending claims 5-6). The provision for the functionality of the present claims in a vehicular embodiment represent nothing more than an arbitrary choice and do not produce different results than the functionality separate from a vehicle.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-97 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of copending Application No. 09/746,924 (Parupudi et al., U.S. Pat. App. Pub. 2002/0122055). Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claims are directed to a method and system for receiving context information of a device and processing the information to determine various policies to control an application, while the claims of the copending application are directed to a method and system for receiving location context information of a portable device and permitting interaction with a location environment, such as a Web application, based on the location context information (compare present claim 1 and copending claims 1 and 10). Determination of location context in both cases involved traversal of one or more hierarchical tree structures (compare present claims 3-6 and copending claims 2-5). Location information could come from different sources (compare present claim 2 and copending claim 8). The policy data for controlling applications could come from different sources (compare present claims 7 and 8 and copending claims 9,11, and 14). Device characteristics such as portable, wireless, and handheld were common in both applications (compare present claims 10-12 and copending claims 16-18). In short, an ordinary artisan supplied with the claims of copending Application No. 09/746,924 would have been able to construct the obvious variations of the presently claimed invention, with nothing more than ordinary skill in the art and the enabling disclosure of copending Application No. 09/746,924.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites the limitation "the resultant set". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6-20, 24-33, 37-41, 45-48, 52-58, 62-67, 71-74, 78-87, and 91-97 are rejected under 35 U.S.C. 102(e) as being anticipated by Olarig et al. (U.S. Pat. No. 6,125,446), hereinafter referred to as Olarig.

Regarding claims 1, 6, 13-17, 27-30, 32, 37, 40, 45-47, 52, 55, 56, 64-66, 73, 78-87, 91-93, and 95-97, Olarig disclosed a method and system for enforcing policies on a device comprising receiving context information of the device (including GPS location data), determining a current context from the context information, evaluating associated policies, and enforcing them on the device as claimed (see column 2, lines 28-43; column 4, lines 10-17; column 5, lines 16-28, 57-62). The device contained processors, memory, and applications as claimed (see column 2, lines 28-34; column 4, line 46 through column 5, line 15). Context information was received from externally of the device from a GPS system, and evaluated locally by the device software encryption application (see column 2, lines 28-43). Such context information could be received wirelessly (see column 5, lines 16-28). The system was capable of continuous context monitoring and automatically determining a new context when the current context had changed, where the new context would be evaluated and new policies would be enforced accordingly (see column 3, line 67 through column 4, line 9).

Regarding claims 2, 19, 33, 41, 48, 57, 58, 67, and 74, Olarig disclosed the ability to receive different types of context information from multiple different context providers (see column 6, lines 14-17).

Regarding claims 7, 8, 24, 25, 31, 38, 39, 53, 54, 62, 63, 71, 72, and 94, Examiner asserts that Olarig implicitly disclosed a device configured to receive policies from different sources as claimed. The device disclosed by Olarig enforced country-specific policies/laws (see column 6, lines 25-34). Olarig recognized that such laws had an effect on the implementation of the invention (see column 7, lines 8-10).

Furthermore, Olarig disclosed the use of additional software to address accuracy limitations of GPS when country borders were in question (see column 7, lines 11-20). For a device to successfully enforce such varied country-specific laws would necessitate the support of all laws by the device. The ability to receive different policies from different sources then was inherent in the invention of Olarig, as it would have been a necessary limitation in order to accommodate the wide range of country-specific policies/laws for enforcement.

Regarding claims 9 and 26, Olarig disclosed using the system in context of an enterprise, enforcing policies defined by the enterprise (see column 2, lines 54-57).

Regarding claims 10 and 12, Olarig disclosed the use of a portable device (see column 4, lines 46-47). A handheld device as claimed is implicit in the disclosure of a portable device.

Regarding claims 11 and 20, Olarig disclosed the use of a wireless device (see column 5, lines 16-28, 29-41).

Regarding claim 18, Examiner asserts that Olarig implicitly disclosed evaluating policies remote from the computing device as claimed, stating the possibility of using different multiprocessor architectures spanning multiple computing devices. For example, Olarig disclosed using a separate dedicated processor and location processor, one that enabled/disabled application features and the other for determining context information (see column 6, line 60 through column 7, line 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5, 21-23, 34-36, 42- 44, 49-51, 59-61, 68-70, 75-77, and 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olarig et al. (U.S. Pat. No. 6,125,446), hereinafter referred to as Olarig, as applied to claims 1, 16, 32, 40, 46, 55, 65, and 73 above, and further in view of Wax et al. (U.S. Pat. No. 6,104,344), hereinafter referred to as Wax.

Olarig disclosed a method and system for enforcing policies on a device comprising receiving context information of the device (including GPS location data), determining a current context from the context information, evaluating associated policies, and enforcing them on the device (see column 2, lines 28-43; column 4, lines 10-17; column 5, lines 16-28, 57-62). Context information was received wirelessly from a GPS system, and evaluated by the device software encryption application (see column 2, lines 28-43; column 5, lines 16-28). The system was capable of continuous context monitoring and automatically determining a new context when the current context had changed, where the new context would be evaluated and new policies would be enforced accordingly (see column 3, line 67 through column 4, line 9).

While Olarig disclosed the use of GPS for determining the current context of a device, Olarig did not disclose determining the current context by traversing a hierarchical tree structure providing an abstract representation of context.

In a related art of wireless/GPS location detection, Wax disclosed a method for determining geographical location for a wireless device. Most importantly, Wax disclosed determining a geographical location by searching a hierarchical tree structure, each node of the tree associated with a particular context/location (see Abstract; column 7, lines 34-64).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Olarig and Wax to provide a system for enforcing policies on a device based on a device location determination, the location determined by traversing a hierarchical tree structure providing an abstract representation of context. One of ordinary skill in the art would have been motivated to consider using hierarchical trees as taught by Wax to determine geographical location as Wax disclosed such a method to provide a much more efficient method of determining the geographical location of a wireless device (see column 7, line 65 through column 8, line 11).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Evans et al. (U.S. Pat. No 6,327,535) disclosed a context-aware computing system using hierarchical tree structures to determine the context/location of a device.

Parupudi et al. (U.S. Pat. App. Pub. No. 2002/0119788) disclosed context/location-aware cellular phones.

Lopke (U.S. Pat. No. 6,553,310) disclosed a method and system for customizing an Internet session based on the current location of the user.

Hickman et al. (U.S. Pat. No. 5,635,940) disclosed a method and system for configuring a device based on the location of the device.

Angelo et al. (U.S. Pat. No. 6,418,533) disclosed a computer security system to remotely control access to a device.

Simonetti (U.S. Pat. No. 5,295,261) disclosed an improved database tree structure using two or more trees.

Wang (U.S. Pat. No. 5,539,922) disclosed a communication system organized into multiple hierarchical node trees representing various geographic locations.

Goldman (U.S. Pat. No. 6,343,291) disclosed a method and system for accessing an information repository organized into a hierarchy of information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (703) 305-3179. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

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